> making a number of visits, whether those are scheduled or not. (d) I may document visits to congressional offices and transit throughout Capitol Hill by video recording, including wearing a body camera (no prohibition noted in any rules). (e) Only under the most extraordinary circumstances will I be questioned by members, staffers, or Capitol police, for my presence in and transit through Capitol Hill, including my professional visits to congressional offices. No chaperone needed or allowed. (f) As soon as possible you will make arrangements for my photo I.D. press badge; What's the protocol: will you supply the lanyard, or do I have to get my own?

142. Undoubtedly, because all Congress is part-and-party to hiding the "broken" Public Debt limit, these officers would never, ever grant me a credential and recognized standing as a congressional reporter. This mess and its coming tectonic destruction are so great that they couldn't bring themselves to even respond to this letter. *Well, okay, I'll see you in court*. As that portion of the letter closed, I wrote:

> "Your current system doesn't address my First Amendment press rights. I need the same prerogatives, ease of access, unfettered and hassle-free ability to work my craft on the Hill—as your daily reporters enjoy, including the right to a picture I.D. press badge. For members or leaders of Congress to dole out anything less—isn't going to work for me. If it makes it easier for you, grant me trial press status for the rest of 2024, including items (a) through (f) above. Refuse me those and I'll see you in federal court. Sadly, I'm fairly certain that's where I will have to go to get a final, fair, constitutional resolution on these matters."

143. July 11, 2024. Letter to the Capitol Police Board.

144. July 16-18, 2024. Letter to 180 members of Congress, requesting a *Hall Pass*.

145. July 17, 2024. Letters to the House clerk, Senate secretary. The letter sent to 180 members of Congress said that the July 1 and July 11 letters would be available to members; the July 17 letter providing copies to these clerical officers who were to make those other-two July letter available to members. "Please confirm receipt of this letter and that you will or won't make them available." Your reply or the lack thereof may be noted in future legal actions. *I'm a man of my word.*

146. Plaintiff has repeatedly made the most basic and reasonable requests to the members of Congress. Allow me into the buildings when they are "open to the public." Let me to visit as many

offices as I choose for an unscheduled "drop in" visit. Grant me the ability to bring as many document pages as I desire, exercising my five First Amendment rights, individually, and in each of the 26 possible combinations of two-or-more of those rights.

Citizen First Amendment Rights on Capitol Hill: a record in the courts

147. In *Bynum v. United States Capitol Police Board*, the Reverend Pierre Bynum, "alleges that the United States Capitol Police prohibited him from praying in the United States Capitol in violation of the Free Speech and Free Exercise Clauses of the First Amendment, the Due Process Clause of the Fifth Amendment, and the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb."[2] This is Plaintiff's first example of "problems" associated with citizens exercising and enjoying their First Amendment rights on Capitol Hill; supposedly a public place with public spaces allowing for access by the public. While *Bynum* is *specifically* focused on the United States *Capitol Building*, that's but one-of-the-many peas in the pod of the Capitol Complex; the *Bynum* opinion presents the perfect case study in First Amendment Forum Analysis, including "a three-step analysis required for resolving free speech claims on public property."[3] Judge Friedman considers the three types of forums: traditional public forum, designated public forum, and *the nonpublic forum*, "which includes all remaining public property."[4] Judge Friedman cites *International Soc'y for Krishna Consciousness, Inc. v. Lee*, "In addition to time, place, or manner regulations, the state may reserve [a nonpublic forum] for its intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view."[5]

148. Judge Friedman's opinion quotes *Cornelius v. NAACP Legal Defense and Education Fund, Inc.*: "As the seat of the legislative branch of the federal government, the inside of the Capitol

2. Opinion of Paul L. Friedman, Federal District Court Judge, Civil Action No. 97-1337 (PLF) March 31, 2000.
3. ibid
4. ibid
5. ibid

might well be considered to be the heart of the nation's expressive activity and exchange of ideas. After all, every United States citizen has the right to petition his or her government, and the Houses of Congress are among the great democratic, deliberative bodies in the world. But it also has been recognized that the expression of ideas inside the Capitol may be regulated in order to permit Congress peaceably to carry out its lawmaking responsibilities and to permit citizens to bring their concerns to their legislators. There are rules that members of Congress must follow, as well as rules for their constituents. To that end, Congress enacted the statute at issue here so that citizens would be "assured of the rights of freedom of expression and of assembly and the right to petition their Government," without extending to a minority" a license . . . to delay, impede, or otherwise disrupt the orderly processes of the legislature which represents all Americans.""[6] Plaintiff suggests to this Court that these sentiments and arguments are absolutely applicable to rest of the Complex, especially to the receptionist's offices of the members of Congress; the same words, the same spirit of the law, the need for and required respect of public access apply—for citizen First Amendment access into and throughout the Complex, which are protected by the Constitution—work and are legally valid, especially as Plaintiff asserts that his visits to the receptionist's offices of members of Congress are not intended to "delay, impede, or otherwise disrupt the orderly process of" these legislators who represent all Americans, *regardless of the residency of any citizen*. Or this Plaintiff.

149. Later, Judge Friedman quotes *Heffron v. International Soc'y for Krishna Consciousness, Inc.*, "The relationship between functional forum analysis and the overbreadth doctrine was explained by the Supreme Court in Forsyth County, Georgia v. Nationalist Movement: A government regulation that allows arbitrary application, and is thus unconstitutionally overbroad, is "inherently inconsistent with a valid time, place, and manner regulation because such discretion has the potential for becoming a means of suppressing a particular point of view.""[7] The Capitol

6. ibid
7. ibid

Police, acting at the direction of its Chief, its Board, members and leaders of Congress—cannot "favor" "dropping off a letter" over a simple visit to drop off a prayer card, a citizen-reporter's questions, or a petition for a redress of grievances. Yet the only "guidance" provided by the Capitol Police is so limited as to be of almost no value, especially for anyone traveling a long distance to come to Capitol Hill. By their refusal to respond to Plaintiff's letter, the Capitol Police violated Plaintiff's First Amendment rights, his Fourth Amendment rights (to be secure in his person and his papers, however many he wishes to bring to Capitol Hill), a violation of his Fifth Amendment rights (no due process by them, responding to his letter; no explanations regarding "dropping off letters" versus any other form of speech), and a violation Plaintiff's equal protection under the Fourteenth Amendment, as the Capitol Police, on behalf of any-and-all members of Congress, must allow non-resident, out-of-state citizens the same access to all members of Congress as the Capitol Police and members of Congress routinely grant their beloved and favored voter-resident constituents.

150. Which brings us to the individual members of Congress. Who does the Plaintiff wish to visit? Receptionists at the individual offices of members of Congress. Plaintiff seeks the ease and enjoyment of a "pop in visit," fully understanding that his presence cannot be a call for any time or conversation with staff, any particular staffer, let alone time with a member of Congress. The purpose, among other available First Amendment choices, is simply to drop off a letter, a document, a prayer card, written questions and the reporting by the citizen-journalist, perhaps a brief or lengthy petition for redress. Let us consider the ugliest thought experiment. Congress as a whole, its leaders, and everyone associated with the Capitol Police (and all of its public and non-public rules) are all part of a conspiracy. The aim of the conspiracy is to have in place and enforce "non-public rules for citizen access." How would anyone know of the existence of such "non-public rules?" You wouldn't, unless you noted the *shadow effect*; you request a certain kind of ordinary and easy access by telephone or in writing which elicits either no response or something vague, elusive, and imprecise

which didn't address the matter of access at hand. We return to the second sentence of this paragraph: *Who does the Plaintiff wish to visit*? Receptionists; Does the Plaintiff have to talk to the Capitol Police? Probably not, but who knows? You can't tell from what's on their public web pages!

151. Are members of Congress constitutional officers? *Yes*. Are the members of Congress bound by and must honor the United States Constitution? *Yes*! Does this mean that the members of Congress, *individually*, regardless of what everyone else is doing—"Congress as a whole, its leaders, and everyone associated with the Capitol Police (and all of its public and non-public rules)"—have an individual responsibility to honor all of the constitutional rights of all citizens, including access to the member's receptionist's office when asked, if requested in writing, by any citizen? It must be yes, so says this Plaintiff, though this Court will ultimately decide. For brevity's sake, Plaintiff will not add any more quotes from Judge Friedman. But the issues at hand in that suit, and the past behaviors and attitudes of the Capitol Police *from a quarter century ago* are undimmed when it comes to subverting the Constitution and the rights of citizens, *sine die*, without end.

152. In *Mahoney v. United States Capitol Police Board*, the Reverend Patrick J. Mahoney, asserts "The Government has devised and operates a permitting scheme under which persons seeking to conduct demonstration activity on the Capitol Grounds in groups of twenty (20) individuals or more must obtain a permit to do so. While the Government has permitted other events on the Capitol Grounds over the past several weeks—including at least one event on the Western Front Lawn—it failed to grant Rev. Mahoney's permit application to hold his proposed prayer vigil without meaningful explanation, other than to say that area was "closed."[8] Next paragraph: "Further, the Government's permitting regime acts as a prior restraint on speech and is impermissible because the Government has not demonstrated that it applied narrow, objective, and definite criteria to guide its decision not to issue Rev. Mahoney a permit. Indeed, to this day, the Government has not explained

8. *Rev. Mahoney v. United States Capitol Police Board*, 1:21-cv-02314, initial Complaint filing, Doc 1.

how it came to the decision to fail to grant Rev. Mahoney's permit application. Moreover, even taking the Government at its word that the Western Front Lawn is "closed," if the Government has, in fact, "closed" the Western Front Lawn, it has impermissibly created a no-speech zone around the perimeter of the Capitol, an outcome that is not narrowly tailored to any significant governmental interest."[9]

153. We now have a sample of two cases featuring the same defendants, operating on behalf of Congress, its leaders and members. The Capitol Police do not appear to be in the business of easily or routinely agreeing to what, for the average reverend or ordinary citizen, may seem to be a reasonable request so that they may exercise their constitutional rights upon the grounds or in the buildings of the Complex. There is a disturbing consistency here for this Plaintiff. While this case dealt with *the grounds of the Capitol Building*, it retains similar issues with the same defendants and their unwillingness to yield, with citizen-claimants who are forced to seek redress in the courts.

154. Which brings us *Durbin v. Pelosi*, filed October 20, 2022. Citizen-journalist-activist John Paul Durbin sought access to the Complex to present his formal Petition For Redress (or some portion thereof) directly to the offices of members of Congress. That was Plaintiff's first federal suit, filed *Pro Se* as is this one. Plaintiff sought advanced, written approval (in this case, assisted by the Court with its ruling) by the Board for the reasonable and ordinary access by John Paul Durbin into the six congressional offices buildings in the Complex so that citizen Durbin could present his Petition For Redress: during "normal business hours" when, *so they say*, those buildings are "open to the public." Throughout that court proceeding Defendants never offered John Paul Durbin one firm written assurance for any element of his proposed visits. Even when requested by letter from John Paul Durbin, while that suit was pending before the Court, none of the four, highest ranking members of Congress, along with other top leaders, neither of the sergeant at arms nor the chief of the Capitol Police were willing to answer *this letter*. The suit was ultimately dismissed on the grounds of being

9. ibid

"moot," yet, for that Plaintiff, there was only one element of clarity which came from those proceedings. Other than that, there was no definitive resolution for his access and the honoring of his constitutional rights to visit the receptionist's offices in the Complex.

155. We finally arrive at *Durbin v. Biden*. The issues of access for John Paul Durbin, from October 2022, were the same and still unanswered for, in the summer of 2024. By USPS Certified Mail to 180 members of Congress, July 16-17-18, 2024, Plaintiff made the most basic and reasonable requests to the members of Congress. Allow me into the buildings when they are "open to the public"; allow me to visit as many offices as I choose for an unscheduled, "drop in" visit; grant me the ability to bring as many document pages as I desire in the exercise of my five, First Amendment rights, individually, and in each of the 26 possible combinations of two-or-more of those rights; lastly, allow me to wear a body camera (only recording in the public spaces, including receptionist's offices)—just in case I'm hassled, treated poorly by staff or others in the building or, perhaps, *accosted* by Capitol Police officers for *who-knows-what*.

156. Those last ten words are ugly; that is why Plaintiff wrote to four members of the Board, on July 11, 2024, requesting a written reply by the Board for the parameters of Plaintiff's access into and throughout the Complex. No reply. To repeat what's been previously put to the page: Plaintiff seeks to visit the receptionist's offices of members of Congress. Does the Plaintiff *want to* have to deal with the Capitol Police? Not really. Does the Plaintiff understand and accept, as much as one must, the role and responsibilities of the Capitol Police? Yes, but: only to a point. But—since the Capitol Police, its Board and officers have refused to honor their oaths of office and their duties under and to the Constitution, Plaintiff has chosen to work a simultaneous route, contacting members of Congress directly, attempting to make way for Plaintiff's reasonable, ordinary, unscheduled brief visits to their receptionist's office. To repeat, Plaintiff asserts that each member of Congress, as a constitutional officer, bears an individual responsibility (in their official capacity) to see that the

civil rights, the Bill of Rights, of any citizen, *this Plaintiff*, are honored so that this Plaintiff may come for a brief, "drop in visit" to their receptionist's office.

157. We either have a functioning Constitution, Bill of Rights, supported by federal laws, so that citizens can exercise their First Amendment rights—further protected by the Fourth, the Fifth, the Fourteenth and federal laws; exercise their rights as they see fit, attempting to add their voice and thoughts, fears and concerns to the nation political debate, as they seek to contact and communication with the nation's legislators—*or not*. Those rights cannot be there, maybe; sometimes; only for citizen access in local and state offices; only for scheduled visits; limited to "drop[ing] off a letter." The members of Congress are either public servants, or they're something else, something special, pretend, distant and unapproachable. The monies from citizens which pay the salaries of the members of Congress, their staff, the Capitol Police: they are all "public servants" or they're working a different scheme taking care of themselves as they set fit and ta hell with everybody else. Runaway spending hastily passed. The Public Debt limit, broken over thirteen years ago. A credentialed press, 1,300 strong, on Capitol Hill, living in Washington, who need to be on the scene almost every day, pledged to never sue members of Congress or their leaders, committed to not advocating much of anything other than their ability to scurry along beside members of Congress in the bowels of the Complex yelling questions as the all rush along the way: *now that's real reporting*.

158. How did we get here? How did the Public Debt limit get "broken," stay "broken," now poised to disappear in the blink of any eye. How did we get 28-straight years of the annual spending passed late, way late, added to the failure of 17-of-the-first 21-years of late spending? These people. Their systems. Their public rules, their private games. Their own police force. No one replies to any correspondence; if we don't put it in writing, no one can prove anything (we hope).

159. When you've turned the $36 trillion dollars of the national Public Debt into a ticking time bomb, all you can do is hide and hope: no one ever gets into the Complex to confront you with

the truth, someone they know, throwing it in their face at their principal of business, daring them to keep the scam going, continue the conspiracy of silence. Besides: what's the worst that can happen?

Appointment of Special Masters

160. This is an extremely complex case. These matters cover far too many disciplines, connected and separate, for any one individual to carry, consider, and render a fully informed decision, which is the ultimate task of this Court and will be done in the end.

161. To repeat the opening paragraph of this Complaint: "This case is a constitutional crisis unlike any in the history of the nation. On its face, this is merely a case of a single plaintiff against defendants who happen to be the highest elected officials in the federal government, including the president and Treasury secretary, and the highest congressional leaders. But it is so much more than those individuals in those specific offices. This case pits the Constitution, the United States Code, the concepts of the rule of law, coequal but independent branches of government, a system of "checks and balances" built into the legal and constitutional fabric of the nation, independent courts, and the most basic level of honest and accountable public government against the record of the Article I and Article II branches of government in their ongoing, joint scheme to protect their political careers above everything else."

162. Those words were not lightly considered, hastily proposed, nor haphazardly chosen to go first. They speak to the heart of this matter, perhaps the gravest constitutional crisis for this nation in our lifetimes. The Plaintiff's complaint and allegations are informed by his 800-page manuscript, almost a decade in the making, along with his aggressive and confrontational idea and practice of his brand of citizen-journalism, coming with a heaping dose of activism; in the best tradition of honest journalism advocating for the greatest public good; or the greatest public good, which an uninformed and misinformed public, lied to by politicians and press alike, for which this impoverished citizenry has had no clue at all what's been lurking below the surface of the Public Debt limit. That said, no

Court should take any claimant at their word, *alone*, for the full nature of the case at hand.

163. Plaintiff proposes appointment of *four* Special Masters.

164. Appointment of a first Special Master: for legal, financial, and securities law issues. *See* Fed. R. Civ. P. 53.

165. (A) The complexities inherent in analyzing the intricate financial records and accounting for all of the outstanding Public Debt of the United States Treasury Department are far beyond the capacity of any one individual, especially for anyone who has not specialized in this area of law, finance, and public policy. A special master with expertise in forensic accounting, financial analysis, and securities law would be better equipped to review and distill the pertinent voluminous data, ensuring accurate findings for the Court.

166. (B) The illegalities in question, the duration of these violations of law, for a matter which touches every last $20 of the Public Debt of the nation, which is now in excess of $36 trillion, constitutes an exceptional condition requiring specialized oversight to efficiently manage the discovery process, resolve disputes, and ensure full and timely compliance with all orders of the Court, to include providing the Court with the overriding context of these issues.

167. (C) For a crisis this grave—with all of the nation's investors, including those holding United States Debt outside of this country, likely hanging on every motion by the parties, each interim report by the special master, and every order of the Court—the importance and necessity for outside, independent analysis and advice to the Court *and to both parties* cannot be overstated. And, in view of the immediate and intermediate effects in financial markets, waiting with bated breath for each development, the appointment of a special master will provide the expedited and thorough detailed analysis and recommendations crucial to the timely resolution of these complex matters as soon as reasonably possible, point by point.

168. (D) Based upon the history of the Public Debt limit currently before this Court,

beginning with Pub. L. 112-25, of August 2, 2011, continuing through Pub. L. 118-5, of June 3, 2023, it is immensely imperative *for all parties* (including, and perhaps almost importantly, the American public, which should have no trust in any politician *or any media*, or any Johnny-come-lately media to this long-standing, festering crisis, a media whose past public statements and efforts at reporting now stand starkly naked and exposed) to have a neutral, outside "master" advising the Court for the current legal status of every dollar of the nation's outstanding Public Debt; there should be no trust, by the public, in any public statements these Defendants make as the scandal breaks (when it does).

169. (E) Given the thirteen-years, six-months-long status of the Public Debt limit of the nation now called into question by this lawsuit, with the possibility that the Public Debt limit was "broken" by the passage Pub. L. 112-25, the Court cannot take upon face value any assertions by the Defendants for the current legal status of all $36 trillion of the nation's Public Debt. Exhibit 1 is the insurmountable and incomprehensible cenotaph for what was once a 94-years-long legal, stated, functioning Public Debt limit, either long ago overthrown or is and remains the necessary and true standard to which the nation must return unless Congress and president say otherwise (as they hastily change the law, which they could have done at any time before January 8, 2025, or on any of the 28 days since this suit was filed). But: How will president and Congress act? In what manner? Will they rush their secret plan, as they always have, with the hasty public passage of their latest political act of self-preservation, claiming the act-and-the-haste are for the good of the nation? *Yes, they will.*

170. (F) The likely public course, based upon past actions by these named Defendants, by every past-and-present interested party in the Article I and Article II branches, is that there will be no reasonable, orderly, and deliberative public process, by them, for a crisis which they were pretending they knew nothing about, only last week (in spite of the filing of this suit, January 8, 2025). The credibility of these Defendants *and their media* will, should, have the nation at a place where angry and dispirited citizens feel there is *no one in whom they can or should trust*—for anything. That

awful place cannot be allowed to stand; this crisis cries out for justice, swift and true.

171. (G) A clear and unambiguous series of necessary answers by this Court will be uniquely assisted *by the immediate appointment* of a special master, sending a signal to all parties, including to the citizens of the nation, that this Court has the highest regard for the greatest public good and does not intend to take at face value any assertions by either party before this Court. Thus, in recognition of the importance of these matters and the need for the fullest, fastest, outside professional review, regardless of cost, this Court should appoint a special master without delay.

172. (H) Appointment of a Special Master, for legal, financial, and securities law issues will be especially crucial as it is likely that the 47th president, now a named Defendant, and the 119th Congress choose to act long before this case gets up to speed. The greatest likelihood, already foreshadowed by public statements by the Defendant president and new Treasury secretary, will be for a surprise announcement, the hasty and immediate repeal of 31 U.S.C. § 3101, with no lengthy public debate, no individuals taking any personal (for their official acts) responsibility; the problem with the Public Debt limit in the U.S. Code, as they will propose by word and deed, was never a problem with dishonest politicians, presidents, and members of Congress, but some defect which we cannot see in the plain-and-simple words of the Public Debt limit; somehow, that 94-years-long legal, safe, functioning and relatively effective law suddenly "broke itself," with no one now willing to answer for or take responsibility for all of the false, deliberate public acts, one Public Debt limit law after another—February 2013, October 2013, February 2014, November 2015, September 2017, February 2018, August 2019, October 2021, December 2021, and June 2023—an ignoble total of ten hasty public acts, concluding one manufactured crisis after another which presidents and Congresses repeatedly authored; *these people have no shame* and will soon chose any rapid answer which comes absent any responsibility of theirs: for anything, at any time, past, present, or tomorrow. Or ever!

173. (I) The Court will greatly benefit by the assistance of a special master to review

whatever hasty changes are made to the law, including its elimination, to ensure that all clouds upon the Public Debt and its brokers and dealers have been "cured" by their changes to the United States Code. This will also include assessing the continuing harm to the Plaintiff, his rights as cause of action as citizen, and as a citizen-journalist; further: what might be or should have been in the greatest public good, measured against this hasty and unaccountable, secret-until-moments-ago solution.

174. (J) The greater public good, when it comes to this 13-years-plus history of the Public Debt limit, shows that the worries of the public for the present and future financial health and sustainability of the nation—has never been the highest priority for these Defendants or any elected public officials, past presidents, past and current members of Congress. Who would think that this "sudden and unexpected crisis" *which they had not foreseen* will somehow, suddenly bring out the best in them. All changes in the Public Debt limit law or its elimination raises a whole new set of issues: has this hasty action eliminated any and all legal questions regarding the status of the Debt of the United States, including the legality of every Treasury Bill, Note, and Bond, based upon the contract language of each instrument, regardless of its date of issue? Should the likely, rushed legal changes regarding the Public Debt occur, including attempts to indemnify the Government, along with securities brokers and dealers and all parties involved in the sale and resale of United States Debt, given the record of these Defendants and the government for 13-long-years, the Court cannot take at face value any assertions by the Defendants that all clouds upon the Public Debt and its traders and dealers have been "cured" by their changes to the United States Code.

175. (K) Post-trial, the continued work of a special master may be necessary to assist the Court in the implementation of its rulings, including all of the steps the Court deems necessary to clear away every last cloud on the Public Debt of the United States.

176. Appointment of a second Special Master: for the political, historical, and economic context, lightly touching on the legal and financial issues. *See* Fed. R. Civ. P. 53.

177. (i) At the heart of this case is the "broken" Public Debt limit, going back to Pub. L. 112-25, of August 2, 2011. While the matter before the Court is focused (as it must) on that law and its subsequent antecedents, that leaves out far too much necessary context which the Court and the public record so badly needs. Plaintiff has an 800-page manuscript focused on the spending-debt-games of Congress and presidents, over the last fifty years; that is to say that this subject is worthy of at least one book (of that seemingly unending length) to fully and fairly present a story this complex.

178. (ii) That fifty-year period coincides with what was supposed to be a landmark piece of legislation: The Budget Control Act of 1974. That law created budget committees in the House and Senate (for the first time), established a formal process for budgeting by Congress (as the opening event on the road to passage of the annual appropriations), along with concurrent and subsequent pledges by Congress: "we're going to make the appropriation process more public, more orderly, more transparent, better for the nation and its finances, and better suited for the present and future financial welfare and sustainability for the finances of the nation." We can throw that sentence in the trash immediately for what Congress and presidents have done, under that law, one fiscal year at time, one Congress at time, with the ineffectiveness of each intervening federal elections every-two years, as if elected anyone to a Congress—perennially hellbent on overspending—would or could have ever matter when that corrupt institution had become so religiously committed to the continual violation of the spirit and principals of that "so-called" landmark act: the honest, transparent, orderly and publicly accountable passage of the annual spending—which is the single most important, annual task for Congress and presidents.

179. (iii) The Court should not kindly or with any doubts accept any characterization by the Plaintiff nor any replies or silence by the Defendants in public, or by the words and deeds of Defense Counsel at Court. To set the historic context for the Court, the appointment of an outside voice, expert, and academic, with a sense of history, with an understanding of the complexities

inherent in the ruff-and-tumble world of American politics, especially as it has played out over the last fifty years—an independent voice for the Court and *for the public record* (as that phrase stands in for *an extremely important public good*) is necessary. Under no circumstances can this important task be taken up by the legal, financial, and securities law special master proposed above. *This proposal* for this special master should be the least controversial item before the Court.

180. (iv) The heaviest burden falls upon this Court to act in these matters, one at a time and in summation, balancing all against the greatest public good. As noted above, it is highly likely that Congress and president will, with great haste, wipe away the Public Debt limit before this case has proceeded very far down our rocky road. With that act, effectively unchallenged within the Congress (whatever is proposed will be hastily passed as they declare it must be), with minimal debate (for what could the guilty say at this late date), misreported by a captive, dishonest and corrupt press (which is how we got here), the only place and the most effective time for any legal review will be this Court. A Court which will be asked by Plaintiff to review and rule upon whatever hasty changes have occurred. Absent action by this Court, informed by the assistance of a special master providing the important, historical context, over a century of American law, the Public Debt limit—and the radical idea that presidents and Congresses should be accountable to the nation for the monies which they spend and the Debt which they incur in the name of "the people"—will all be gone in the blink of an eye. The United States Code, especially for the Public Debt limit, is an incomplete and extremely regimented storyteller. To understand more the Court needs an outside, independent voice.

181. (v) The Court must quickly grasp a fifty-years-long corrupted process for the passage of the annual spending with its concurrent and corrupted management of the of the Public Debt limit, a unitary system with no functioning and effective checks-and-balances between these two colluding branches of government which have mocked the integrity of the Constitution, destroyed the finances of the nation, who will now quickly stage their latest and concluding act for the Public Debt limit.

182. (vii) That act, coming soon, will be one of the greatest assaults on the Constitution of this republic, now in its 237th year; an unprecedented public collusion and conclusion, whose sole intent will be to preclude any judicial accounting for these matters by the hasty passage of a single law, over and done, you need not worry anymore for it's all, almost now, moot. While the plaintiff may be an advocate for his claims, with some pretense of arguing for the greatest public good, those momentous decisions ultimately fall upon this Court, alone. Fair and balanced justice asks that the Court have all the tools necessary for the full and final assessment which it must render, likely to be far sooner than anyone but the Plaintiff might guess. There will be no turning back the calendar for days and opportunities lost. For these reasons, Plaintiff urges the Court for the fullest and quickest consideration of this, one-of-three, extremely unusual appointments, forthwith.

183. (viii) There is no reputable body of public law which stands as reference *for the court of public opinion* for these matters. Nor is there a reputable body of honest and extensive reporting, anywhere, at any time, by any journalist, researcher, academic, political commentator, or anyone in the world of finance—which speaks to the publicly-broken-but-never-reported, now-deceased(?) Public Debt limit of the nation; Shall we bury the first American republic with its "broken" Public (not-public) Debt limit at the same time, too? As this case proceeds; as these Defendants move to hastily cover their tracks; as a dishonest and corrupt press works to cover for the politicians and themselves: Where will the truth be, some truth, any truth, where will it reside? The soonest, best, most independent voice, informing both Court and nation as to the underlying nature of this sordid tale, could, can, and should come from an early, interim report, and another, and then a final report. As this scandal breaks, no one in the nation should have any trust in any politician or any pretend-and-now-exposed *so-called journalist*. The only, *the only place* where the honest reporting of this story may be found may be the actions in this Court, as long as it takes, as fast or slow as it proceeds, one motion and one event at a time. That important process will be greatly aided by a special master

setting the important context for the Court and for a nation, shocked to its very core by the action of all the players in the Article I and Article II branches of government—for over thirteen years.

184. One last note on the appointment of this second, special master. At the risk of repetition of points and arguments. The most likely course, soon, very soon, to be taken by these two branches who stand accused of the worst kind of collusion, will be to obliterate 31 U.S.C. § 3101. There will be no facts, alone, in the Code, in this section or any other, by themselves or together, which will guide and inform the Court whether the greatest public good was done, even as it was executed by hasty means in an almost non-public way. The raw law, by itself, can only go so far. Over a century of law for the Public Debt, matched to its long-time companion, half a century of the worst kind of butchery of another law, of the Budget Control Act of 1974, will all be answered for, or not, as the 47th president and the 119th Congress pull the rug out from under this Plaintiff and his longstanding call for an honest accounting of their dishonest past. There may be no good future for the nation if this, the worst constitutional crisis in the history of the republic, simply disappears before anyone really knew or understood what it was about: conspiracy and absolute, despotic tyranny, one event at time, one election after another. The bastardized approval of one year's annual spending and then something, sometime, hastily done on Debt. I urge this Court: seek wise counsel, for *the fairest justice of all is that which is best informed.*

185. A final, ugly, unpleasant statement Plaintiff presents as truth on these specific points. This case, its details, the very breadth and depth of what was done—for thirteen-years-plus —could only have occurred with the active or, for those who wish to play/pretend that it wasn't them, the tactic approval of four presidents, everyone in their administrations, and every current and former member of Congress. Ever member of Congress, for thirteen years. The first special master is to assist the court on the financial aspects of the "broken" Public Debt limit. The second special master is to set the context, the absolute and necessary context for Court and nation: how

did the republic get to a place where everyone in Congress had become corrupted by their careers, with a willingness to follow orders and an unbridled passion to spend and spend and spend without any accountability to the nation nor any concern for the future (and sustainable) financial health of the republic. How can a Court adjudicate for the greatest public good when the record of the Article I and II branches, working together, is so unalterably horrible, depressingly so. Context. The rushed overthrow of a century of the Public Debt limit, as two branches stand accused of collusion and conspiracy, should not lightly be considered or accept by any Court.

186. Appointment of a third Special Master: for a consideration of the First Amendment, the current state of professional journalism; these points which goes to the heart of Plaintiff's prayer for relief for a Court-ordered (by the Defendant officers) credential and standing as a press professional to cover Congress. *See* Fed. R. Civ. P. 53.

187. The second special master, should the parties and Court accept, will present the context for the broken appropriation process and all of the Public Debt games of half a century; a *collusion/conspiracy* involving every last member of Congress. This third special master shall present the context to the Court of the *collusion/conspiracy*, how all 1,300 credentialed, House and Senate daily "journalists" missed the scandal of the century. And what *that* says about that corrupt, restrictive press guild, its easy and comfortable arrangements with these Defendant congressional officers who have the final say for who is entitled to a credential to cover Congress.

188. This Court, sitting in Columbus, Ohio, is facing one of the most momentous, serious series of First Amendment rulings, including that of the press right—and especially, if it should still exist—special recognition, standing, privileges, prerogatives, access, and federal court protections of-and-for "professional journalists." This Plaintiff, this case, these facts, this broken, dishonest and corrupt media which stands accused, all 1,300 strong—credentialed, happy and contented, Photo ID-badge-wearing professionals chasing down members of Congress in the bowels of the United States

Capitol Complex—are not who-or-what they appear to be. There is something so broken in the words: journalist, professional journalist, credentialed reporter—that has pushed this Plaintiff to declare to this Court: *we* have no idea who or what a professional journalist is, what they do, who they work for, how they're paid, and who bears any final responsibility to report the truth to the nation or, at least, most of the truth to their customers. Or: what special status should they hold.

189. Plaintiff, as attorney, has been preparing this Amended Complaint, beginning January 10th, while at the same time keeping a watchful eye on whatever false and incomplete reports were circulating in the media for what's going on behind closed doors as the Article I and II branches prepare to end their thirteen-years-long conspiracy, about to come to its shocking close. Plaintiff's words upon the page are shrill, unkind, angry, accusatory and judgmental. But this. This corrupt—*digital*—media has already begun (or will so, soon enough) to scrub, hide, destroy, or rewrite without explanatory notes: MUCH IF NOT ALL OF ITS PAST REPORTING on the Public Debt limit. It must. Its reputation with its dull-but-loyal customers is at stake; it faces an existential crisis; it's sink-or-swim for corrupt media. It will be impossible for any court, even with unlimited staff and enduring patience, to work one of the most important, forensic research efforts to discover, uncover, the necessary context for what was said, for the lies which media and politicians proffered, those false narratives sold by a captive and willing press so that the nation would remain asleep while citizens simultaneously told pollsters that they didn't want the Public Debt limit raised . . . believing the Debt stories in the press, the reporting and commentaries: the nation had an important, functioning Public Debt limit *which was being raised*, one acrimonious fight after another, as the only, barely-there "brake" upon the runaway spending in Washington.

190. In addition to the traditional research any competent and professional historian would bring to bear as they researched any subject—for this matter, the past, dishonest reporting, for these once-public lies which may now suddenly be memory-holed—this research will require

an intelligent, capable, and aggressive effort to scour digital media to find this trail of breadcrumbs for what was once easily, publicly told (by corrupt media; these 1,300), for what was going on with the Debt limit. How did the nation sleepwalk through thirteen long years, thinking that the mess in Washington, including that of the Public Debt limit, was working, being managed, poorly, but not illegally nor foreshadowing the financial crisis which has now, at long last, arrived.

191. These politicians haven't told the truth and they're not likely to start anytime soon. This corrupt media hasn't told the truth and it never will unless the details of this suit sing out so loud and clear as to drown out all their lies. The digital record of dishonest media is undoubtedly being scrubbed away even as these words are read. The Court should have a special master set the context for past, dishonest and corrupt reporting (which is not on trial), for this Court faces far too many momentous decisions for who is a *professional journalist* (perhaps, a term we should no longer use). How about the proposition that a citizen-journalist should be entitled to the full rights and privileges accorded all 1,300 union members of the restrictive guild. Can this Court find a path to declare that at least one [more] journalist, *a competitor* who must be credentialed, who must have the free and easy access given everyone else, the so-called *professional journalists*.

192. Ultimately, it's the First Amendment which is at trial, in Columbus. And with that, the credentialing by a self-interested Congress which does not want any truth-teller, a truly independent reporter in the building, *someone already known to them* as an obnoxious, renegade, angry citizen, crusading journalist trying to force them to account for the greatest financial crisis in a century. How can a Court "invade" the prerogatives of a separate branch of government? When the actions of that branch violate the Constitution. *This is that*. Their standards, that of the Congress and these officers.

193. For the Court and the public record, in support of any watershed decisions which sweet justice calls for, answer by this Court, an independent record of what had been "professional journalism," let's have it in the record for all to see, by competent, thorough, and independent junior

partner to this Court, by the appointment of a Special Master to put in context the current state of "professional journalism."

194. Appointment of a fourth Special Master: to assemble the complete record for the reporting on the Public Debt limit, from January 2010 to present, for those reports by Treasury, including its Fiscal Bureau, OMB, CBO, and CRS. *See* Fed. R. Civ. P. 53.

195. This special master is needed to assemble it all for the Court. By each of these accused Defendants and their agency. For each report, every year. All of it. What had they said? How had it changed? Have they scrubbed, cleaned, or changed any of their past documents? What's happened with their digital copies, from when first issued to what's available online today?

196. Every report. Every date. Every web page address for all these years. Plaintiff's prayer for relief calls for the Court to evaluate the past reporting of each Defendant officer and, by extension, each office and agency. The past lies need to be preserved. Past lies need to be called out, online and available, for the next fifty years. The prayer for relief sets a high bar for itself and Court, asking for these officers and agencies declare that they'd lost in court; their past reports found false; an apology, if they wish; compare-and-contrast for what was said, for what was false, for the truth, clearly stated NOW, for what was said back then. This Special Master, these reports, the master's analysis goes to the heart of dishonest and corrupt "public servants," doing what they were told, or what they knew was expected of them; those choices in these agencies, past and present, clearly broke the law and allowed the crimes of presidents and Congresses to roll on to where we are today.

197. This Court, the public record, and the greatest public good in all of these matters, all put in context, brought to the Court, will greatly be enhanced by the appointment of four special masters, each charged with the most important, somewhat connected yet discreet reporting work. These special masters are needed to present to the Court and put into the public record an early, preliminary, and later, conclusive context from an outside, neutral, expert voice—reporting the true

nature of the past actions of these matters, placed in the necessary historical, financial, political, and free press context which will help suggest the road ahead for the greatest public good: with the most important emphasis for four masters—to assist the Court *in every element* of these proceedings.

198. The Court should note that it is the Plaintiff arguing for these expert, forensic reviews of these matters which, by the very nature of these proposed reviews, will touch on the veracity and completeness of the work of this citizen-journalist-activist and unpublished author. Plaintiff has no fear for any words or findings by any Special Master. Defendants ought think long and hard, with their awful, sullied, disreputable public record in these matters, aided and abetted by their captured press, for the perception by Court and public if they choose, *as is their right*, to refuse any outside expert for neutral and competent assistance *for the Court*. As a wise Monsignor pedagog repeated to his high school math classes fifty years ago, almost every day: *a word to the wise is sufficient*.

CLAIMS FOR RELIEF

Count I: Violation of Borrowing Money

199. All foregoing paragraphs are incorporated as if fully set forth herein.

200. Article I of the Constitution gives Congress the power "To borrow Money on the credit of the United States." *See* U.S. Const. art. I, § 8, cl. 2. By definition that would be Debt legally approved by Congress and the president. Congress and the Article II branch have the nation at a place where over half of the outstanding indebtedness of the nation, as currently reported by Treasury, is beyond the legal borrowing limit of 31 U.S.C. § 3101(b) of $14.294 trillion. *See* Ex. 1 – Public Debt Limit. With the addition of those dollar amounts authorized under § 3101A(a)(1), of $900 billion, and § 3101A(a)(2)(i), of $1.2 trillion, the maximum legal Public Debt *might be* $16.394 trillion. The January 2, 2025, outstanding Public Debt of the nation stood at $36.170 trillion Thus, the Treasury Department has issued United States Debt it could not legally sell, service, administer or handle. *See* 31 U.S.C. §§ 3102, 3103, 3104, 3105, 3106, 3111, 3121, 3122, 3123, and 3321.

201. Pub. L. 112-25, August 2, 2011, was a politically expedient solution to Treasury being stuck at the Public Debt limit of $14.294 trillion, from the $1.9 trillion increase in the Public Debt limit in Pub. L. 111-139, of February 12, 2010. Pub. L. 112-25 gave the president the authority to certify the need for additional debt with subsequent borrowing by Treasury. Pub. L. 112-25 allowed Treasury to borrow an additional $2.1 trillion. *See* 31 U.S.C. § 3101A. However, owing to the convoluted way the law was written and subsequently implemented, the three-step, additional, "conditionally approved" borrowings of $400 billion, $500 billion, and $1.2 trillion did not, could not, change the dollar amount in 31 U.S.C. § 3101(b) of $14.294 trillion.

202. In the years following passage of Pub. L. 112-25, the next seven bills addressing the Public Debt limit, passed by Congress, signed into law by presidents Obama and Trump, each clearly stated that "Section 3101(b) of title 31, United States Code, shall not apply" for the calendar period stipulate in each bill. *See* Ex. 5b – Debt Limit Resolution. Those seven bills: Pub. L. 113-3, 113-46, 113-83, 114-74, 115-56, 115-123, and 116-37. While presidents and Congress may have a constitutional and legal ability to "suspend" the Public Debt limit in the United States Code, the legality of any suspension must meet a three-part test: A) did a legal limit for the Public Debt exist at the time the "suspension" took effect; B) would that limit, though suspended, still function every day of the "suspension" so that; C) upon the cessation of any "suspension," the current amount of Public Debt would, as it must, remain under either the legal limit in place as the "suspension" began or with some increase to the limit passed into law during the "suspension." Applying this standard to each of those seven "suspensions" in law, calendar years 2013 through 2019, we find that each "suspension" failed the very first test as each began. Thus, each "suspension" had been illegal.

203. The next two Debt events came in 2021. Congress and President Biden choose to add stated dollar amounts, which only appear in the footnotes of the United States Code. Pub. L. 117-50,

of October 14, 2021, declared: "The limitation under section 3101(b) of title 31, United States Code, as most recently increased by section 301 of the Bipartisan Budget Act of 2019 [Pub. L. 116–37] (31 U.S.C. 3101 note), is increased by $480,000,000,000." However, there was no dollar amount in Pub. L. 116-37, as it only "suspended" the Public Debt limit for a length of time. Thus, the $480 billion added by Pub. L. 117-50 to the Public Debt limit was a legal fiction. Pub. L. 117-73, of December 16, 2021, piled its $2.5 trillion in Debt atop Pub. L. 117-50. A second dollar amount of legal fiction.

204. The most recent Public Debt limit event: Pub. L. 118-5, of June 3, 2023. Congress and President Biden returned to the "suspension" strategy, as the law stated: "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [June 3, 2023] and ending on January 1, 2025." *YET*: where the Public Debt limit sits today, as we can all read for ourselves: 31 U.S.C. § 3101(b), $14.294 trillion. *See* Ex. 1 – Public Debt Limit.

205. The Public Debt limit has never been merely a "nice concept" confined to words on the page, but an enforceable dollar amount for Congress and presidents, passed into law by one Congress after another since 1917, signed by every president presented with a bill from Congress raising the limit. But, beginning with its first "suspension" of the Public Debt limit, in Pub. L. 113-3, one Congress after another and four presidents have portrayed to the nation that *there is* a *legal limit* to the Public Debt. The subtle, underlying message conveyed was—never spoken, but pretended by all their actions—*we*, Congress and presidents, sometimes "suspend" the limit, but there is a limit, it's a real limit, it's an important fiscal tool and has-been-and-remains an honest bond between Congress, presidents, and the American people. But those "unspoken," empty words have been nothing more than a pack of lies, beginning with their first "suspension," February 4, 2013, in Pub. L. 113-3.

206. Treasury secretary has repeatedly violated 31 U.S.C. § 324, "Disposing and extending the maturity of obligations," pretending to perform legally permissible activities on the Public Debt, while part-if-not-all of the Debt had become "tainted," illegal, owing to the "broken" limit.

207. Treasury, its secretaries and officers, and presidents engaged in these unlawful acts and, by their concurrent and subsequent, intentionally false reporting, concealed their crimes from the American people. That this borrowing was-and-is illegal has been known by the Article II executive and officers, and by the Article I branch, by its leaders and all of its members.

208. By the continuation of these illegal acts, with ongoing, false reporting thereof, Article II Defendants and officers, since December 31, 2012, have denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal since the Stock Market crash of 1929.

209. The Article I branch has repeatedly been challenged by Plaintiff on these matters. Its leaders, officers, and named Defendants refused all written requests for Plaintiff's lawful exercise of his First Amendment rights at the Complex; the exercise of those rights by the Plaintiff—in writing, delivered in person to their offices in the Complex—*would have spoken to these ongoing violations of law* and would have allowed Plaintiff, as citizen-advocate, to further his push for honest and accountable public government, that these violations must be answered for while at the same time advancing the reporting of Plaintiff as citizen-journalist-activist and as a professional pressman.

210. John Paul Durbin has no adequate remedy at law, has, is, and will continue to suffer serious and irreparable harm unless and until Defendants are enjoined from violating Plaintiff's constitutional and statutory rights.

211. John Paul Durbin is entitled to declaratory, temporary, preliminary, and permanent injunctive relief to restrain and enjoin Defendants from violating all five of his First Amendment rights: of religion, speech, press, assembly, and petition, individually and in all 26 combinations thereof, as further protected by the Fourth, Fifth, and Fourteenth Amendments.

212. John Paul Durbin is entitled to nominal, compensatory, and punitive damages.

Count II: Violation of Debt Payments

213. All foregoing paragraphs are incorporated as if fully set forth herein.

214. Article I of the Constitution gives Congress the power "to pay the Debts—" of the United States." *See* U.S. Const. art. I, § 8, cl. 1. By definition that's payments of principal and interest for legally approved Public Debt. Congress and the Article II branch have the nation at a place where over half of the outstanding indebtedness of the nation is beyond the legal borrowing limits of 31 U.S.C. §§ 3101(b), 3101A(a)(1), and 3101A(a)(2)(i). Treasury has been making illegal principal and interest payments on the Public Debt of the United States. *See* 31 U.S.C. §§ 3102, 3103, 3104, 3105, 3106, 3111, 3121, and 3123.

215. By the continuation of these illegal acts, and the ongoing, false reporting thereof, Article II Defendants and officers, since December 31, 2012, have denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal since the Stock Market crash of 1929.

216. The Article I branch has repeatedly been challenged by Plaintiff on these matters. Its leaders, officers, and named Defendants refused all written requests for Plaintiff's lawful exercise of his First Amendment rights at the Complex; the exercise of those rights by the Plaintiff—in writing, delivered in person to their offices in the Complex—*would have spoken to these ongoing violations of law* and would have allowed Plaintiff, as citizen-advocate, to further his push for honest and accountable public government, that these violations must be answered for, while at the same time advancing the reporting of Plaintiff as citizen-journalist-activist and as a professional pressman.

Count III: Violation of Reporting Requirements

217. All foregoing paragraphs are incorporated as if fully set forth herein.

218. The Secretary of the Treasury, under 31 U.S.C. § 3130, is required to present an annual report on the Public Debt, and under § 3513, to "prepare reports that will inform the President, Congress, and the public on the financial operations of the United States Government." Clearly, the honest reporting of the "broken" Public Debt limit has never been included in the reports required by these statutes. (As noted elsewhere in this Complaint, the Fiscal Bureau of the Treasury

Department is charged with presenting honest and accurate information to the public for the state of the nation's financial accounts, spending and debt, including the status of the Public Debt, its legal limitation, and future prospects.)

219. By the continuation of these failures at law by past and current Treasury secretaries, these Article II Defendants and officers have denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal since the Stock Market crash of 1929.

220. Past and current reporting by the Fiscal Bureau of the Department of Treasury has hidden, denied, and withheld the true nature of the "broken" Public Debt limit—in its daily, monthly, quarterly, and annual reporting online, in print, and all other means which the Bureau communicates its required reporting to the public—in violation of the Constitution and statutory laws.

221. Congressional Budget Office (CBO) directors have knowingly violated 2 U.S.C. §§ 601(d), 601 (e) "securing and disseminating 'information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government,'" knowing that the information which they presented to be false because of the defects in the Public Debt limit, and the subsequent illegal nature of the nation's appropriations, from January 1, 2013, through today.

222. CBO directors have violated 2 U.S.C. §§ 602(a), knowingly providing faulty assistance to Budget committees; 602(b), faulty assistance to Appropriations, Ways and Means, and Finance committees; 602(c), faulty assistance to other committees and Members; 602(e), faulty annual report to Budget committees; 602(g), a failure to consider the looming catastrophe of the ongoing illegality of the Public Debt limit, with concurrent illegal appropriations, from January 1, 2013, through today, in the ongoing "studies" to be conducted by the Director.

223. CBO directors have violated 2 U.S.C. §603(a), knowingly providing faulty "information, data, estimates, and statistics … available for public copying."

224. Office of Management and Budget has violated the Constitution and statutory law for its reporting requirements, including honestly accounting for the Public Debt. OMB Historical Tables are in question and may be, in part or in whole, completely dishonest; Table 7.1: Federal Debt at the End of the Year . . . might be honest, but if so, it is not accounting for the true nature of the Debt, that some-or-all of it is illegal; Table 7.2: Debt Subject to the Statutory Limit . . . is absolutely false.

225. The Office of Management and Budget Table 7.3: Statutory Limits on Federal Debt . . . is probably honest and true up to Pub. L. 112-25, Obama-Biden-McConnell, which "broke" the Public Debt limit. It has since become the most public lie put before the nation—for this table pretends, with the help of Treasury, to "fill in" the missing, *not legal*, dollar amount which came at the end of each of these Debt events, laws passed which were nothing more than legal fictions; the limit of the Public Debt 31 U.S.C. § 3101(b) has remained "stuck" at $14.294 trillion in spite of eleven laws passed, in spite of eight "suspensions" of the limit and two events in the fall of 2021 which pretended to add dollar amounts to Treasury's "in-house," "self-set" Public Debt limit. Plaintiff's *Exhibit 2* highlights OMB Table 7.3 while also explaining its "irregularities," "illegality."

226. The Librarian of Congress violated 2 U.S.C. § 166(b)(1)(A), failing to see that the Congressional Research Service (CRS) *provided an honest appraisal of the "broken" Public Debt limit*, under this provision, as the Librarian is called to encourage CRS in "rendering to Congress the most effective and efficient service." CRS directors have knowingly provided false information to Congress, echoing the "party line" as it were, for what was going on with the Public Debt limit. The newest CRS director, now Defendant, had the service issue an update on: Federal Debt and the Debt Limit in 2025, Updated January 16, 2025, document No. IN12045 (unironically issued 8 days after *Durbin v. Biden* was filed). The document proudly(?) concludes its remarks with a noteworthy disclaimer: "This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely

at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role." *What does it mean when they disclaim*: "CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress"; perhaps it's that they tell the people who pay their salaries (in Congress) what those people want to hear—and see—in yet another set of public reports from yet another agency . . . as everyone agrees and pretends that all is well with the Public Debt limit and the legality of all $36 trillion of the nation's outstanding Debt.

Count IV: Violation of Regulating the Value of Money

227. All foregoing paragraphs are incorporated as if fully set forth herein.

228. Article I of the Constitution gives Congress the power "To coin Money, regulate the Value thereof—". *See* U.S. Const. art. I, § 8, cl. 5. Because Congress and the Article II branch have the nation at a place where over half of the outstanding indebtedness of the nation is beyond the legal borrowing limits of 31 U.S.C. §§ 3101(b), 3101A(a)(1), and 3101A(a)(2)(i), not only is the Debt of the nation in doubt, but the underlying "Value" of the "Money" of the United States may suddenly called into question. The United States dollar may suddenly be exposed to extreme pressures in world financial markets, a likely devaluation against other currencies, while interest rates in the United States skyrocket. All of these issues portend disastrous effects upon the "Value" of the nation's "Money."

229. The "Value" of the nation's "Money" is much more than its name, its images, and the physical properties and the denominations of the nation's printed currency and struck coins. The "Value" of "Money" is a careful balancing act between currency in circulation, banking laws and regulations, and the policies of the Federal Reserve Board. Those items fall under the definition of monetary policy. Issues of fiscal policy, decisions on spending, taxation, and the amount of Debt are choices directly approved by Congress and presidents. These two areas overlap

when it comes to the Debt-to-GDP ratio and what investors and bondholders judge to be current risks and future prospects of the nation's "Money" and Debt. But the most basic measure of the "Value" of the nation's "Money" is the underlying trust by citizens in their government, in its management of the nation's fiscal affairs, and in the honesty and legitimacy of the actions of elected officials and the cumulative effects of their fiscal decisions over time. If the legal Debt of the nation is suddenly called into question by investors, with a dramatic repricing of assets in financial markets in the United States and around the world, citizens will see some of their hard-earned savings, retirement accounts, and rainy-day funds evaporate overnight. *That,* a devastating, real-world consequence for ordinary Americans, forced to pay the price for the political, financial, and legal decisions made by each Congress and every president. Political actors who, heretofore, had overlooked or failed to more fully consider how the "Value" of the nation's "Money" might be judged in the marketplace—here and around the world—if some-or-all of the nation's Public Debt could have its legality called into question. In doubt, because of a "broken" Public Debt limit.

230. Treasury has issued and serviced illegal Debt, beginning January 1, 2013. That's Debt which "appeared" to have been legally "approved"—as Congress and presidents passed one Debt limit bill after another into law, pretended the Public Debt limit still existed, was legal and functioning, and that there was nothing amiss which might, eventually, bring a day of reckoning to buckle financial markets and wreck the nation's economy. Treasury has continued its daily, weekly, monthly operations, since December 31, 2012, as though everything was in order, and the "Value" of the nation's "Money" was sound. But none of that was or is true, which will now adversely impact the "Value" of "Money" for bondholders of U.S. Debt and the savings of Americans, whether in financial deposits denominated in dollars or investments in stock and bonds.

231. By the continuation of these illegal acts and the ongoing, false reporting thereof, Article I Defendants and officers, since December 31, 2012, have denied Plaintiff the material proof

which underlies his reporting of the greatest financial scandal since the Stock Market crash of 1929.

232. The Article I branch has repeatedly been challenged by Plaintiff on these matters. Its leaders, officers, and named Defendants refused all written requests for Plaintiff's lawful exercise of his First Amendment rights at the Complex; the exercise of those rights by the Plaintiff—in writing, delivered in person to their offices in the Complex—*would have spoken to these ongoing violations of law* and would have allowed Plaintiff, as citizen-advocate, to further his push for honest and accountable public government, that these violations must be answered for, while at the same time advancing the reporting of Plaintiff as citizen-journalist-activist and as a professional pressman.

Count V: Violation of Necessary Laws

233. All foregoing Paragraphs are incorporated as if fully set forth herein.

234. Article I of the Constitution gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers—". *See* U.S. Const. art. I, § 8, cl. 18. Congress failed to pass the necessary laws for the ongoing use of legally approved Debt for the nation, as implemented by Treasury. Congress passed one law which "broke" the Public Debt limit, Pub. L. 112-25. Congress then passed 10 subsequent laws concealing the defect of Pub. L. 112-25, with Pub. L. 113-3, 113-46, 113-83, 114-74, 115-56, 115-123, 116-37, 117-50, 117-73, 118-5.

235. While courts might consider that the separation of powers in the Constitution allows Congress wide latitude as a lawmaking body, those prerogatives cannot extend to a protection granting Congress an ability to pass laws in violation of the Constitution and existing provisions in the United States Code. The 112th Congress and President Obama "broke" the Public Debt limit with a single bill. Ten subsequent *and intentional* Public Debt limit laws failed the requirement of Necessary Laws. The likely cascading damage to some-if-not-all of the nation's outstanding Debt, along with a legal cloud over a more than a decade's worth of spending and a potential degradation of the "Value" of the nation's "Money," will be the bitter fruits harvested because Congress repeatedly

failed to pass the necessary—and legal—laws required to manage the nation's Public Debt.

236. Every Count in this Complaint lodged against executives in the Article II Branch, each violation of the Constitution and statutory law, is a concurrent failure by Congress to provide the necessary legislative oversight of administrative departments and agencies. That includes a Congress which has repeatedly failed in its oversight of Treasury for *its* violations of laws.

237. By the continuation of these illegal acts, and the ongoing, false reporting thereof, Article II Defendants and officers, since December 31, 2012, have denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal since the Stock Market crash of 1929.

238. The Article I branch has repeatedly been challenged by Plaintiff on these matters. Its leaders, officers, and named Defendants refused all written requests for Plaintiff's lawful exercise of his First Amendment rights at the Complex; the exercise of those rights by the Plaintiff—in writing, delivered in person to their offices in the Complex—*would have spoken to these ongoing violations of law* and would have allowed Plaintiff, as citizen-advocate, to further his push for honest and accountable public government, that these violations must be answered for while at the same time advancing the reporting of Plaintiff as citizen-journalist-activist and as a professional pressman.

Count VI: Violation of Money Drawn From Treasury For Appropriations Made by Law

239. All foregoing Paragraphs are incorporated as if fully set forth herein.

240. The Secretary of the Treasury has repeatedly violated 31 U.S.C. § 321(3), "issuing warrants for money drawn on the Treasury consistent with appropriations;" yet these appropriations have not been wholly legal, owing to the use of illegal Debt swirling in the nation's financial coffers.

241. The Secretary of the Treasury has repeatedly violated 31 U.S.C. § 331(a)(1), reporting "a statement of the public receipts and public expenditures for the prior fiscal year;" as the secretary has performed these legally required activities while the secretary failed to fully

account for part-if-not-all of the "tainted," illegal Public Debt, owing to the "broken" Public Debt limit. Those ongoing reporting violations existed as the term of the 78th secretary of the Treasury began, January 26, 2021. Further failure by the Treasury secretary, violated 31 U.S.C. § 331(b)(A), failing to fully account for "the total and individual amounts of contingent liabilities and unfunded liabilities of the United States Government." The "broken" Public Debt limit has not been fully and honestly categorized as a "special kind of liability," with a far greater, disastrous potential from all of the other contingent liabilities of the nation. Further failure by Treasury secretary, violating 31 U.S.C. § 331(e)(1), failing to "prepare and submit to the President and the Congress an audited financial statement for the preceding fiscal year, covering all accounts and associated activities of the executive branch of the United States Government. The financial statement shall reflect the overall financial position, including assets and liabilities, and results of operations of the executive branch of the United States Government."

242. Article I of the Constitution states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time". *See* U.S. Const. art. I, § 9, cl. 7. "Appropriations made by Law" means spending approved by Congress and the president. Spending, with monies drawn from Treasury accounts, includes tax payments by citizens and corporations. But some of those dollars spent by Treasury had come from the sale of Debt instruments, money loaned to the United States. Money from Treasury-sold Debt was being used each year when annual and special appropriations exceeded tax revenues. Spending more than what's coming in, in taxes, creates a deficit for that fiscal year, financed by these additional borrowings.[10] However, Treasury expenditures cannot be considered to be fully "legal expenditures" when spending approved by Congress is financed, in part, by the legal

10. Treasury, "The National Debt Explained." https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/

indebtedness of the nation, but then commingled with indebtedness beyond the legal limits of 31 U.S.C. §§ 3101(b), 3101A(a)(1), 3101A(a)(2)(i). Thus, beginning August 2, 2011, or no later than December 31, 2012, the United States Treasury Department has been making illegal expenditures on behalf of the Congress. Congress and presidents may choose to spend more than tax receipts for any given year, but Treasury may not spend more than the combination of taxes coming in, boosted by the addition of "legally approved Debt."

243. A further violation of Article I, section 9, occurs under the reporting requirement of clause 7. Whether this reporting requirement is exclusively a legislative one, as it comes in Article I, or is an ambiguous, joint responsibility of both the Article I and Article II branches, or the exclusive duty of the Article II branch, where Treasury resides, no reporting to the nation over the last twelve years, since January 1, 2013, has honestly, correctly, and completely reported the status of "legal Expenditures" owing to the "broken" Public Debt limit.

244. Honest financial accounting, required under Article I, section 9, clause 7, calls for the full reporting of "Receipts and Expenditures." Sounds simple. Money coming in and money going out. However, that would include the full accounting for the Public Debt, for the "flows" of that Debt, as Debt is intimately intertwined with all of the expenditures of government. Reporting on the "flows" of Debt would include the current status of the legally approved Public Debt. The most prominent and conscientious example, though it has been and remains completely false, is the Daily Treasury Statement, easily downloadable in PDF form at the Treasury Department.[11] This four-page document proudly serves up Table IIIC – Debt Subject to Limit. Further online informational pages by Treasury, on the "Debt Limit," serves up eight sentences in four paragraphs, with no mention of a dollar amount to the Public Debt. Treasury continues its obfuscation in "America's Finance Guide," presented by FiscalData at Treasury.gov (maintained by the Bureau of the Fiscal Service), where an

11. https://fiscaldata.treasury.gov/datasets/daily-treasury-statement/operating-cash-balance

entire web page for citizens works to help them understand the national debt *without* putting a dollar amount to the legal limit for the Public Debt. The dissembling by the Treasury Department continues in its section "Tracking the Debt," where we discover that the Bureau of the Fiscal Service "manages all federal payments and collections and provides government-wide accounting and reporting services. A primary function of the Fiscal Service is to account for and report the national debt, as dictated by the U.S. Constitution, which states that 'regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.'" Treasury simultaneously acknowledges its constitutional reporting requirements while at the same time hiding from the nation the ongoing illegality of the Public Debt. And the final cherry atop this sundae: nowhere on the online web pages of Treasury will anyone discover a stated dollar amount, a "limit," for the Public Debt of the nation. The facts in this suit make it abundantly clear *why* (an honest reporting by Treasury on the Public Debt has been absent from their public information: for years).

245. By the continuation of these illegal acts, with the ongoing, false reporting thereof, Article II Defendants and officers, since December 31, 2012, have denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal since the Stock Market crash of 1929.

246. The Article I branch has an oversight responsibility for these matters, as noted in Count IV. The Article I Defendants, and other members of Congress, have repeatedly been challenged by Plaintiff on these matters. Its leaders, officers, and named Defendants have refused all written requests for Plaintiff's lawful exercise of his First Amendment rights at the Complex; the exercise of those rights by the Plaintiff—his written *speech*, delivered in person to their offices in the Complex—*would have spoken to these ongoing violations of law* and would have allowed Plaintiff, as citizen-advocate, to further his push for honest and accountable public government, that these violations must be answered for while at the same time advancing the reporting of Plaintiff as citizen-journalist-activist and as a professional pressman.

Count VII: Violation to Advise Congress

247. All foregoing Paragraphs are incorporated as if fully set forth herein.

248. Article II of the Constitution requires that the president "recommend to their [Congress] Consideration such Measures as he shall judge necessary and expedient;—". *See* U.S. Const. art. II, § 3, cl. 1. President Biden, who negotiated the deal which broke the Public Debt limit, in 2011, failed to advise Congress, upon taking office, January 20, 2021, that he inherited a "broken" Public Debt limit. He failed to advise Congress that the financial accounting of the nation was no longer honest, probably not legal. President Biden, his Treasury secretary and attorney general, failed to advise Congress that the ongoing spending of the nation was now irreparably illegal because of illegal Debt swishing around in the financial accounts of the nation. President Biden failed to advise Congress that the first Debt event of his presidency, the "addition" of $480 billion to the Public Debt limit, in Pub. L. 117-50, which Congress presented to him in October 2021, was not legal. He further failed to advise Congress that the paltry $480 billion added in Pub. L. 117-50, in S.1301 "Promoting Physical Activity For Americans Act," would release Treasury from its "extraordinary accounting and book-juggling measures" for only eight days. Instead, he eagerly signed that bill into law. That paltry eight days of "relief" for Treasury forced President Biden and Congress to pass a second Biden Debt event, a mere two months later, December 16, 2021. Pub. L. 117-73 pretended to add $2.5 trillion to the Public Debt limit, which only appears in the footnotes of 31 U.S.C. § 3101, instead of changing the dollar amount in 31 U.S.C. § 3101(b), of $14.294 trillion. Finally, President Biden failed to inform Congress that the "suspension" of the Public Debt limit, June 3, 2023, covering the rest of his presidential term, in Pub. L. 118-5, was not a legal "suspension" of the limit.

249. By the continuation of these illegal acts, presidents have denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal since the market crash of 1929.

Count VIII: Violation of 31 U.S.C. § 3101(b), Illegal Suspensions of the Public Debt Limit, then leaving the nation "stuck in limbo" as each "Suspension" ended

250. All foregoing Paragraphs are incorporated as if fully set forth herein.

251. Presidents, Treasury secretaries and the department, Congress and its Defendant members have repeatedly violated 31 U.S.C. § 3101(b), the Public Debt limit of the United States, Pub. L. 111-139, of February 12, 2010, which set the limit at $14.294 trillion.

252. This list is a comprehensive back-and-forth for Public Debt events, beginning with the period immediately before passage of Obama-Biden-McConnell, Pub. L. 112-25, of August 2, 2011. One-of-two things are occurring for the status of the Public Debt and its limit along this timeline. (1) There's a limit (a legal limit only in 2011, up to August 2, 2011) with Treasury "stuck" at that limit. After these opening periods of being "stuck" (April through August 2011), all periods of stuck will be as Treasury is pretending/honoring its "self-set" "in-house" limit for the Public Debt. (2) Eleven passages of Public Debt laws, Debt "events" where Congress and presidents passed something into law which pretended many things but never changed or touched the Public Debt limit in 31 U.S.C. § 3101(b), of $14.294 trillion. All of these "law" events occur in chronological order in Exhibit 5b, The Debt Limit Resolution; they are also listed in OMB Table 7.3, as presented and illuminate in Plaintiff's version, Exhibit 2. These law events in the subsequent paragraph entries are marked at their end by: (false Debt law/suspension) or (false Debt law/adding $$$).

253. A violation of Pub. L. 111-139, of the Public Debt limit of $14.294 trillion, for the period of April 15-20, 2011, up to $26 billion over the limit; April 25-27, 2011, up to $10 billion over the limit; May 2 to August 2, 2011, holding "steady" at $50 billion over the $14.294 trillion limit, as reported by Treasury's "Debt to the Penny" historical data. 78 days "stuck." (stuck at false limitation)

254. IF—the Court determines that Pub. L. 112-25 was not legally valid, and none of its additional borrowing were legal—then: a violation of Pub. L. 111-139, Public Debt limit of

$14.294 trillion, for the period of August 2, 2011 through December 31, 2012 (as the Public Debt climbed from $14.294 trillion to $16.394 trillion.

255. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for a total of $16.394 trillion in legal borrowing allowed by Treasury, for the period of December 31, 2012, to February 4, 2013, holding "steady" at $39 billion over the limit, as reported by Treasury's "Debt to the Penny" historical data. 35 days "stuck." (stuck at false limitation)

256. A violation with the passage of Pub. L. 113-3, effective February 4, 2013, which pretended to suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Feb. 4, 2013] and ending on May 18, 2013." An illegal suspension of 104 days. On February 4, 2013, Public Debt was $16.475 trillion, on May 18, 2013, Public Debt was $16.737 trillion. (false Debt law/suspension)

257. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of May 19, 2013, to October 17, 2013, holding "steady" at $16.738 trillion, as reported by Treasury's "Debt to the Penny" historical data. 151 days "stuck." (stuck at false limitation)

258. A violation with the passage of Pub. L. 113-46, effective October 17, 2013, which pretended to suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date on which the President submits to Congress a certification under subsection (b) and ending on February 7, 2014." An illegal suspension of 114 days. On October 17, 2013, Public Debt was $17.067 trillion, on February 7, 2014, Public Debt was $17.259 trillion. (false Debt law/suspension)

259. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period

of February 8, 2014, to February 15, 2014, holding "steady" at $17.259 trillion, as reported by Treasury's "Debt to the Penny" historical data. 7 days "stuck." (stuck at false limitation)

260. A violation with the passage of Pub. L. 113-83, effective February 15, 2014, pretending to suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Feb. 15, 2014] and ending on March 15, 2015." An illegal suspension of 394 days. On February 18, 2014, Public Debt was $17.385 trillion, on March 15, 2015, Public Debt was $18.152 trillion. (false Debt law/suspension)

261. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of March 16, 2015, to November 2, 2015, holding "steady" at $18.152 trillion, as reported by Treasury's "Debt to the Penny" historical data. 231 days "stuck." (stuck at false limitation)

262. A violation with the passage of Pub. L. 114-74, effective November 2, 2015, which pretended to suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Nov. 2, 2015] and ending on March 15, 2017." An illegal suspension of 500 days. On November 2, 2015, Public Debt was $18.492 trillion, on March 15, 2017, Public Debt was $19.846 trillion. (false Debt law/suspension)

263. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of March 16, 2017, to September 8, 2017, holding "steady" at $19.846 trillion, as reported by Treasury's "Debt to the Penny" historical data. 176 days "stuck." (stuck at false limitation)

264. A violation with the passage of Pub. L. 115-56, effective September 8, 2017, pretending to suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of enactment of this Act [Sept. 8, 2017] and ending on December 8, 2017." An illegal suspension of 92 days. On September 8, 2017, Public Debt was $20.162

trillion, on December 8, 2017, Public Debt was $20.493 trillion. (false Debt law/suspension)

265. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of December 9, 2017, to February 9, 2018, holding "steady" at $20.493 trillion, as reported by Treasury's "Debt to the Penny" historical data. 62 days "stuck." (stuck at false limitation)

266. A violation with the passage of Pub. L. 115-123, effective February 9, 2018, pretending to suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Feb. 9, 2018] and ending on March 1, 2019." An illegal suspension of 385 days. On February 9, 2018, Public Debt was $20.669 trillion, on March 1, 2019, Public Debt was $22.029 trillion. (false Debt law/suspension)

267. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of March 2, 2019, to August 2, 2019, holding "steady" between $22.022 to $22.029 trillion, as reported by Treasury's "Debt to the Penny" historical data. 154 days "stuck." (stuck at false limitation)

268. A violation with the passage of Pub. L. 116-37, effective August 2, 2019, pretending to suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [Aug. 2, 2019] and ending on July 31, 2021." An illegal suspension of 730 days. On August 2, 2019, Public Debt was $22.314 trillion, on August 1, 2021, Public Debt was $28.428 trillion. (false Debt law/suspension)

269. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of August 1, 2021, to October 14, 2021, holding "steady" at $28.428 trillion, as reported by Treasury's "Debt to the Penny" historical data. 74 days "stuck." (stuck at false limitation)

270. A violation with the passage of Pub. L. 117-50, effective October 14, 2019, which

pretended to add $480 billion to the Public Debt limit, stating "The limitation under section 3101(b) of title 31, United States Code, as most recently increased by section 301 of the Bipartisan Budget Act of 2019 [Pub. L. 116–37] (31 U.S.C. 3101 note), is increased by $480,000,000,000." The effect of this "pretend increase": an illegal suspension of 8 days. S.1301, introduced by Ohio Senator Sherrod Brown, was used for this dollar addition to the Public Debt limit. The title of this bill, as introduced, remained its title as passed and as now listed at Congress.gov, under "Public Laws and Statutes": "Promoting Activity For Americans Act." On October 14, 2021, Public Debt was $28.728 trillion, on October 22, 2021, Public Debt was $28.881 trillion. (false Debt law/adding $$$)

271. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of October 22, 2021, to December 16, 2021, holding "steady" at $28.909 trillion, as reported by Treasury's "Debt to the Penny" historical data. 55 days "stuck." (stuck at false limitation)

272. A violation with the passage of Pub. L. 117-73, effective December 16, 2019, pretending to add $2.5 trillion to the Public Debt limit, stating "That the limitation under section 3101(b) of title 31, United States Code, as most recently increased by Public Law 117–50 (31 U.S.C. 3101 note), is increased by $2,500,000,000,000." The effect: an illegal suspension of 399 days. On December 16, 2021, Public Debt was $29.206 trillion; on January 19, 2023, Public Debt hit $31.455 trillion, $47 billion "over" the previous, "self-set limit" of Treasury, of $28.909 plus $2.5 trillion. Treasury would "hold steady" through June 2, 2023, for 135 days. (false Debt law/adding $$$)

273. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of January 19, 2023, to June 3, 2023, holding "steady" at $31.455 to $31.468 trillion, as reported by Treasury's "Debt to the Penny" historical data. 135 days "stuck." (stuck at false limitation)

274. A violation with the passage of Pub. L. 118-5, effective June 3, 2023, pretending to

suspend the legal Public Debt limit, stating "Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of the enactment of this Act [June 3, 2023] and ending on January 1, 2025." An illegal suspension of 578 days. On June 5, 2023, Public Debt was $31.826 trillion, on January 2, 2025, Public Debt was $36.170 trillion. (false Debt law/suspension)

275. A violation of Pub. L. 111-139, Public Debt limit of $14.294 trillion, combined with the additional borrowing allowance for Treasury of $2.1 trillion in Pub. L. 112-25, for the period of January 2, 2025, to February 4, 2025, holding "steady" at $36.153 to $31.221 trillion, as reported by Treasury's "Debt to the Penny" historical data. 33 days and counting "stuck." (stuck at false limitation)

276. The continuation of these illegal acts, since December 31, 2012, by themselves, are crimes, and crimes against the nation, but the Article I and II Defendants have also denied Plaintiff the material proof which underlies his reporting.

277. The Article I branch, its leaders, officers, and named Defendants have refused to answer all written inquiries for Plaintiff's lawful exercise of his First Amendment rights; the exercise of those rights—by Plaintiff, in writing, delivered in person at their offices in the Complex—*would have spoken to these ongoing violations of law* and allowed Plaintiff, as citizen-advocate, to further his push for honest and accountable public government, that these violations must be answered for while at the same time advancing the reporting of Plaintiff as citizen-journalist-activist.

Count IX: Violation of the Debt Requirement, Fourteenth Amendment

278. All foregoing Paragraphs are incorporated as if fully set forth herein.

279. The Fourteenth Amendment of the Constitution states: "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned." *See* amend. 14 cl. 4. As noted in Count I, Congress has the power to borrow money. As noted in Count II, Congress

has the power to pay debts. Those borrowings and Debt payments are for public debt "authorized by law," meaning Debt which had been legally approved. The Fourteenth Amendment clearly states that the Debt of the nation shall not be questioned. The only possible legal summation and requirements of these statements are that Congress and presidents must insure *that all of the public debt* of the nation was legally authorized at the time that it became law, and has, as it must, remained legally authorized and supported by the nation's current financial accounts and financial transactions, including *the legal specifics of all subsequent borrowings*—throughout the term of each and every Debt instrument of the nation ever sold and still outstanding.

280. Through the actions of President Obama and the 112th Congress, with passage of Pub. L. 112-25, the total legal Public Debt allowed became clouded because that poorly drafted law did not allow for the stated limit of the Public Debt limit in the US Code, 31 U.S.C. § 3101(b), of $14.294 trillion, to be increased, even as Pub. L. 112-25 *seemed* to allowed Treasury to borrow an additional $2.1 trillion, which it did, pushing the nation's "legally allowed debt"(?) to $16.394 trillion.

281. Beginning with the passage of Pub. L. 113-3, and continuing through seven more Debt events, Pub. L. 113-46, 113-83, 114-74, 115-56, 115-123, 116-37, and 118-5, Congress and presidents pretended to legally "suspend" the Public Debt limit, in 31 U.S.C. § 3101(b). But the limit could not be legally "suspended" because the current level of outstanding debt sold by Treasury was in violation of 31 U.S.C. §§ 3101(b) and 3101A. Thus, the legality of the nation's debt may not only be called into question, but it is, in fact, partially-if-not-wholly illegal. Perhaps, all $36 trillion!

282. With the passage of Pub. L. 117-50 and 117-73, in the fall of 2021, Congress and President Biden appeared to add dollars to the Public Debt limit which did no such thing.

283. The most recent Public Debt event, Pub. L. 118-5, was another "suspension," the eighth since February 2013, as Congress and President Biden continued the string of public actions which have kept the Public Debt of the nation in a state of limbo, if not completely illegal.

284. The end result of the political games—by four presidents, the 44th, the 45th, the 46th, and the 47th, and eight Congresses, beginning with the 112th Congress (2011–2012) and continuing into the 119th Congress (2025–2026)—have allowed the Public Debt of the United States to be called into question: since August 2, 2011. That's an illegality which can no longer go unanswered.

285. On May 8, 2023, the National Association of Government Employees, Inc. ("NAGE") filed suit in Massachusetts federal district court challenging the legality of the Public Debt limit, 31 U.S.C. § 3101(b); President Joe Biden and Treasury Secretary Janet Yellen were the only defendants. That suit alleged that the Public Debt limit in the U.S. Code violated the Fourteenth Amendment.

286. As that suit was filed, in early May 2023, Treasury, President Biden, Congress, and everyone in the world of finance were pretending several things. Somehow, the Public Debt limit of $14.294 trillion, in 31 U.S.C. § 3101(b) didn't matter, wasn't a problem, or who knows what [they were thinking]. The second Debt event of the Biden presidency, which added $2.5 trillion, had been exhausted by January 2023; in early May, Treasury was operating under "its" "in-house" Public Debt limit, "holding steady," claiming "its" Debt limit was $31.455 trillion. As NAGE filed its suit, Treasury had been "stuck" at "its limit" for almost four months; the four-month anniversary date would come on May 19th. The nation, its finances, Treasury, the stability of financial markets and the ongoing health and vibrancy of the United States economy: all hung in the balance, for the political games being played by President Biden and congressional Republicans and Democrats.

287. On May 30, 2023, John Paul Durbin filed a friend of the court brief in *National Association of Government Employees, Inc. v. Yellen*, 1:23-cv-11001, documents 34, 35, and 35-1. John Paul Durbin's spartan, three-page brief (doc 35) clearly and succinctly presented to that Court the reporting of citizen-journalist Durbin, specifically: the likely "illegal status" of the Public Debt of the nation. This case in Massachusetts received *almost* high-profile national political attention. It was through one of those reports that citizen-journalist Durbin became aware of this lawsuit and rushed

his brief, with a few typos here and there, to the court within 72 hours of becoming aware this legal proceeding; that brief arrived and was logged in one day before a crucial hearing before that Court.

288. The Fourteenth Amendment and the Public Debt limit, 31 U.S.C. § 3101, are not exclusionary but complementary. Clearly, the Fourteenth Amendment is preeminent; its status as supreme was true in 1917–1918 as the Liberty Loan Acts became law—for specific, *open ended* authorization for borrowings: subject to a limit for the total debt. That arrangement in law, under the Constitution, worked, from September 24, 1917, through passage of the last clean, clear, and honest law raising the stated-in-dollars Public Debt limit, in Pub. L. 111-139, of February 12, 2010.

289. The doubts regarding the legal standing of the nation's Public Debt become real, serious, consequential, and potentially destructive—*for the first time ever*—with passage of Pub. L. 112-25, August 2, 2011. Since that date, and in ten subsequent Public Debt "events," Congress and presidents violated the Fourteenth Amendment as they "broke" and then mutilated what had been the Public Debt limit, a legal and functioning law of the land for 94 straight years.

290. The Fourteenth Amendment could not be more clear: "The validity of the public debt . . .shall not be questioned." The Public Debt limit, a specific limitation in 31 U.S.C. § 3101(b), *had been* legally set, valid, and enforceable. If Pub. L. 112-25 "broke" the Public Debt limit, and regardless of its legality authorizing Treasury to borrow an additional $2.1 trillion, all ten subsequent laws: Pub. L. 113-3, 113-46, 113-83, 114-74, 115-56, 115-123, 116-37, 117-50, 117-73, and 118-5 were and are invalid, void, unconstitutional, unenforceable, and without meaning. The Public Debt limit of the nation, *almost clearly stated*, may be a hybrid (to be determined by the Court) of the underlying statute of 31 U.S.C. § 3101(b), of $14.294 trillion, with whatever still-current-and-legal amount granted under 31 U.S.C. § 3101A remains—*IF* 31 U.S.C. § 3101A ever was, *and is*: legal.

291. John Paul Durbin is entitled to declarative relief, along with temporary, preliminary, and permanent injunctive relief invalidating the last-ten Public Debt limit laws and enjoining the

Defendant president and Treasury secretary *from all ongoing violations of law,* including violations by the Treasury Department, until either 31 U.S.C. § 3101 is revised to accommodate the current level of Debt—by raising the stated amount to a specific dollar figure greater than the current level of outstanding Debt, currently reported by Treasury to be slightly above $36 trillion—or is eliminated in its entirety, or the outstanding Public Debt of the nation is reduced to its authorized limit of $14.294 trillion.

292. By the continuation of these illegal acts, with the ongoing, false reporting thereof by Defendant officers in both the Article I and Article II branches, Defendants have denied Plaintiff the material proof which underlies his reporting of the greatest financial scandal since the Stock Market crash of 1929. Those false reports allowed for the continuation of these crimes while making it impossible for Plaintiff's book, explaining these dark years of the "broken" Public Debt limit, to ever have a chance to sell a meaningful number of copies—for the greatest financial scandal of our lifetimes, perhaps the greatest constitutional crisis in the 237 year history of the republic.

Count X: Violation of the Annual Appropriation Law by Congress

293. All foregoing Paragraphs are incorporated as if fully set forth herein.

294. Congress violated 2 U.S.C. § 632(a), failing to pass a concurrent resolution on the budget for the fiscal year beginning on October 1; a violation on April 15, 2020; a violation on April 15, 2021; a violation on April 15, 2022; a violation on April 15, 2023; a violation on April 15, 2024.

295. Congress violated 2 U.S.C. § 632(a)(5), on February 5, 2021, as House and Senate passed S.Con.Res. 5, a concurrent Budget Resolution under this provision, knowingly stating a false level of the legally approved Public Debt, 31 U.S.C. § 3101(b), as of date of this Resolution.

296. Congress violated 2 U.S.C. § 632(a)(5), on August 24, 2021, as the House completed the bicameral action on the Senate-passed S.Con.Res. 14, a concurrent Budget Resolution under this provision, knowingly stating a false level of the legally approved Public Debt, 31 U.S.C. § 3101(b),

as of date of this Resolution.

297. House Committee on Appropriations violated 2 U.S.C. § 638, failing to: "report annual appropriation bills providing new budget authority under the jurisdiction of all of its subcommittees for the fiscal year which begins on October 1"; a violation on June 10, 2020; a violation on June 10, 2021; a violation on June 10, 2022; a violation on June 10, 2023; a violation on June 10, 2024.

298. Senate violated 2 U.S.C. § 634(c), considering and passing "out of order" appropriation bills, owing to its failure to pass failing to: "report annual appropriation bills providing new budget authority under the jurisdiction of all of its subcommittees for the fiscal year which begins on October 1"; violations after April 15, 2020; violations after April 15, 2021; violations after April 15, 2022; violations after April 15, 2023; violations after April 15, 2024.

Harm and Distress suffered by John Paul Durbin as a direct result of those Violations of Law, Counts I through X

299. All foregoing Paragraphs are incorporated as if fully set forth herein.

300. For each count, I through X, Defendants, individually and jointly, knowingly violated the Constitution and federal laws. Defendants repeated violations: Count I: borrowing money; Count II: making Debt payments; Count III: reporting requirements; Count IV: regulating the value of money; Count V: failing to provide for necessary laws; Count VI: violating money drawn from Treasury; Count VII: failure to advise Congress; Count VIII: violation of the Public Debt limit: 31 U.S.C. § 3101(b); Count IX: violation of the Debt requirement, Fourteenth Amendment; and Count X: failures of the annual appropriation process.

301. These Article I and Article II Defendants participated in those failures at law; they participated in an ongoing cover up of those acts; they have made one false public statement after another by speech, by their letters, and by their constitutional and statutory reporting requirements.